

## **REMARKS**

### **Rejoinder**

The rejoining of the withdrawn claims is duly noted and appreciated.

### **35 U.S.C. § 112 Rejection**

Claim 10 was rejected under 35 U.S.C. § 112. While the noted confusing language was clearly a typographical error (support information for part of the amendment was left in the claim), this claim is cancelled by this proposed amendment, rendering the rejection moot.

### **35 U.S.C. § 102**

Claims 10, 14, 32, and 38-40 were rejected under 35 U.S.C. § 102(b) over Tracey et al (WO 01/48033).

The reasoning for the rejection of the above noted dependent claims is that, but for the priority claim of the independent claims to Tracey, the independent claims would also be so rejected and as the present application last support for a similar claim to priority, rejection under 102 is appropriate.

These claims have been cancelled in the proposed amendment and the rejection has been rendered moot.

### **35 U.S.C. § 103**

Claims 1-3, 5, 6, 8, 9, 11-13, 15, 16, 20, 21, 23-30 and 35-37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Costemalle et al in view of a plurality of secondary references as set forth in the prior office actions.

Independent claims 1, 13, and 28 have been amended to incorporate the subject matter of claim 17. In paragraph 6 of the Office Action, it was indicated that claim 17 contained allowable subject matter. Due to the amendments in this amendment, the rejection of the claims is now moot.

Having addressed all issues set out in the office action, Applicant respectfully submits that the pending claims are now in condition for allowance.

Please charge any deficiency in fees or credit any overpayments during the entire pendency of this case to Deposit Account No. 05-1712. Please also charge any petition fees, including fees for extensions of time necessary for the pendency of this case or copendency of this application with another application at any time to Deposit Account No. 05-1712.

Respectfully submitted,

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Date

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